

REMARKS/ARGUMENTS
Proposed Technical Arguments

Claims 1-29 are pending in this Application. Claims 3, 4, 18 and 19 have been presently amended to address language informalities only.

Claim Rejections under 35 U.S.C. 112

The examiner has rejected claims 27-29 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Specifically, the Examiner has objected to the use of the phrase “adapted to” to indicate operable configuration of system components in claims 27-29, such as a “resource management information system,” a “resource activity planning system,” an “actual results tracking system,” a “product inventory management system” and a “customer tracking system.”

In relation to the use of the phrase “adapted to,” the MPEP section 2111.04 states: Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. However, examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are:

- (A) “adapted to” or “adapted for” clauses;
- (B) “wherein” clauses; and
- (C) “whereby” clauses.

The determination of whether each of these clauses is a limitation in a claim depends on the specific facts of the case. In *Hoffer v. Microsoft Corp.*, 405 F.3d 1326, 1329, 74 USPQ2d 1481, 1483 (Fed. Cir. 2005), the court held that when a “whereby” clause states a condition that is material to patentability, it cannot be ignored in order to change the substance of the invention.” *Id.* However, the court noted (quoting *Minton v. Nat'l Ass'n of Securities Dealers, Inc.*, 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed. Cir. 2003)) that a “whereby” clause in a method claim is not given weight when it simply expresses the intended result of a process step positively recited.” *Id.* [Emphasis added.]

The Applicant respectfully submits that in the present case, the phrase “adapted to” “states a condition that is material to patentability,” as the recited systems must be operably configured to or “adapted to” fulfill the required functions.

Claim Objections for Informality

The Examiner has objected to claim 4, asserting informality in the phrase “the said.” The Applicant has presently amended claim 4, replacing the language “the said” with “said,” and has similarly amended claims 3, 18 and 19. The Applicant submits that these amendments address any such informality.

Claim Rejections under 35 U.S.C. 102(b)

The Examiner has rejected claims 1, 6-11, 14-16 and 22-28 under 35 U.S.C. 102(b) as being anticipated by Howard (U.S. 6,041,173).

The Applicant respectfully submits that Howard fails to satisfy the requirements for a finding of anticipation of the claims 1, 6-11, 14-16 and 22-28.

In this regard, the standard for an anticipation rejection under 35 U.S.C. § 102 has been well established by the Court of Appeals for the Federal Circuit, and is summarized in M.P.E.P. § 2131. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... Claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent claims 1, 16 and 27

The Examiner has rejected the Applicant’s independent claims 1, 16 and 27 on the basis of Howard disclosing “a method of integrated natural resource management” recited in those claims. The Applicant’s claims 1, 16 and 27 recite:

1. A computer-implemented method of integrated natural resource management comprising: a) storing and managing resource management information associated with defined geographic units in a database, including storing spatial and non-spatial information associated with the defined geographic units; b) preparing resource activity

plans based on the resource management information for use in managing a natural resource within the defined geographic units; c) tracking actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information; and d) updating the resource management information based on the tracking of actual results.

16. A computer-implemented system for integrated natural resource management comprising: a) means for storing and managing resource management information associated with defined geographic units in a database, comprising means for storing spatial information and non-spatial information associated with the defined geographic units; b) means for preparing resource activity plans based on the resource management information for use in managing a natural resource within the defined geographic units; c) means for tracking actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information; and d) means for updating the resource management information based on the tracking of actual results.

27. A computer-implemented system for integrated natural resource management comprising: a) a resource management information system adapted to store and manage resource management information associated with defined geographic units in a database, including spatial information and non-spatial information associated with the defined geographic units; b) a resource activity planning system adapted to prepare resource activity plans based on the resource management information for use in managing a natural resource within the defined geographic units; c) an actual results tracking system adapted to track actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information; and d) a product inventory management system adapted to store harvested inventory movement results received from the actu

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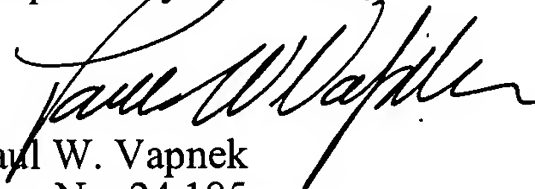
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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Attachments
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